

PROB 12C
(NEP 4/2013)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

Petition for Warrant or Summons for Offender Under Supervision

Offender: Traynell D. Toney **Docket No.** 8:17CR174

Type of Supervision: Supervised Release **Date of This Report:** January 10, 2022

Sentencing Judge: The Honorable Laurie Smith Camp
Senior U.S. District Judge

Assigned Judge: The Honorable Brian C. Buescher
U.S. District Judge

Offense of Conviction: Ct I: Bank Robbery 18 U.S.C. § 2113(a), Ct II: Bank Robbery 18 U.S.C. § 2113(a)
Date Sentenced: March 19, 2018
Original Sentence: 36 Months Bureau of Prisons; 36 Months Supervised Release

Supervision Term: June 10, 2021 through June 9, 2024

Prepared By: Assistant U.S. Attorney: Defense Attorney:
Kimi Jensen for Todd M. Enger Crystal Correa Jeffrey L. Thomas

PETITIONING THE COURT

The undersigned probation officer recommends that a Warrant be issued for service upon Traynell D. Toney and that a hearing be held by the Court to determine whether the offender has violated the conditions of supervision as set forth in this report and to determine whether the offender's supervision should be revoked or continued, modified, and/or extended based on the alleged violations. A Warrant is requested as Traynell D. Toney is considered dangerous. Traynell D. Toney is alleged to have committed a crime of violence and poses a risk for committing future violent crime. To expedite the issuance of a warrant, the Violation Provisions and Recommendation document is not included, but will be provided to the Court by January 14, 2022.

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The probation officer believes the offender has violated the following conditions of supervision:

- | <u>Allegation No.</u> | <u>Nature of Noncompliance</u> |
|------------------------------|---|
| 1 | <p>Traynell D. Toney is in violation of the Mandatory Condition which states, "You must not commit another federal, state, or local crime."</p> <p>On or about December 20, 2021, in Douglas County, Nebraska, according to a complaint filed in Douglas County Court, Mr. Toney then and there forcibly, and by violence, or by putting fear, take from the person of First National Bank of Omaha money or personal property of any value with the intent to steal in violation of Neb. Rev. Stat. §28-324(1) a Class II Felony. There is currently an active warrant in this case.</p> <p>If the Court finds the offender has violated this condition, which is a grade A or B violation, revocation is mandatory.</p> |
| 2 | <p>Traynell D. Toney is in violation of the Mandatory Condition which states, "You must not commit another federal, state, or local crime."</p> <p>On November 19, 2021, in Omaha, Nebraska, Mr. Toney operated a vehicle while under the influence of alcohol and when he did not have a valid license to do so. According to Omaha Police Citation number OP3469668, Omaha Police officers contacted a vehicle driven by Mr. Toney for driving the wrong way on a one-way street. Mr. Toney admitted he had been drinking and officers observed a bottle of Patron Silver 375 ML in the passenger seat. A data check showed Mr. Toney's license was suspended. Mr. Toney submitted a portable breath test (PBT) which returned with a .134 blood alcohol content. Mr. Toney was cited for Driving the wrong way on a one-way road, Driving Under Suspension, Open Container and DUI- 1st offense.</p> <p>Mr. Toney is scheduled to appear in Douglas County Court on January 21, 2022, at 9:00 a.m.</p> |
| 3 | <p>Traynell D. Toney is in violation of the Mandatory Condition which states, "You must not commit another federal, state, or local crime."</p> <p>On or about July 18, 2021, in Douglas County, Nebraska, according to information in Douglas County Court number CR 21 11730, Mr. Toney did then and there, knowingly provide false personal identifying information or a false personal identification document to a court or a law enforcement officer in violation of Neb. Rev. Stat. §28-638(1)(c) & (2)(e), a Class IV Felony.</p> <p>On September 17, 2021, Mr. Toney entered a plea of guilty in Douglas County case number CR 21 2434, to Criminal Impersonation /(1)(c) 1st, a Class IV Felony.</p> <p>If the Court finds the offender has violated this condition, which is a grade A or B violation, revocation is mandatory.</p> |
| 3 | <p>Traynell D. Toney is in violation of Special Condition a which states, "You must not purchase or possess, use, distribute, or administer any alcohol, just the same as any other</p> |

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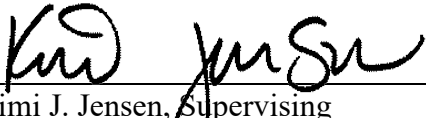
narcotic or controlled substance."

On November 19, 2021, in Omaha, Nebraska, Mr. Toney was under the influence of alcohol, as outlined in allegation #2 of this document.

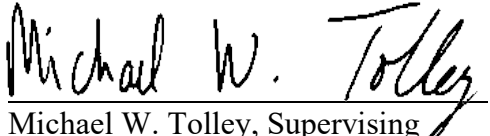
I declare under penalty of perjury that the forgoing is true and correct.

Respectfully submitted,

Reviewed by:



Kimi J. Jensen, Supervising
U.S. Probation and Pretrial Services Officer



Michael W. Tolley, Supervising
U. S. Probation and Pretrial Services Officer

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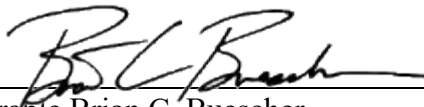
THE COURT ORDERS THAT:

_____ No action shall be taken.

 X
_____ A Warrant shall be issued for service upon Traynell D. Toney and a hearing held by the Court to determine whether Traynell D. Toney has violated the conditions of supervision as set out in the foregoing report and to determine whether the term of supervision should be revoked, continued, modified, and/or extended based on the alleged violations.

_____ The U. S. Probation Officer shall summons Traynell D. Toney to appear for a hearing in court to determine whether Traynell D. Toney has violated the conditions of supervision as set out in the foregoing report and to determine whether the term of supervision should be revoked, continued, modified, and/or extended based on the alleged violations.

_____ The following action to be taken (specify other action):



The Honorable Brian C. Buescher
U.S. District Judge

January 11, 2022

Date

*** * * NOTICE TO OFFENDER * * ***

Pursuant to the Federal Rules of Criminal Procedure 32.1(b)(2) you are entitled to:

- (A) written notice of the alleged violation(s);**
- (B) disclosure of the evidence against you;**
- (C) an opportunity to appear, present evidence, and question adverse witnesses unless the court determines that the interest of justice does not require the witness to appear;**
- (D) notice of your right to retain counsel or to request that counsel be appointed if you cannot obtain counsel.**